

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

September 21, 2000

Docket No. 98-758

PUBLIC UTILITIES COMMISSION  
Investigation into Use of Central Office  
Codes (NXXs) by New England Fiber  
Communications, LLC d/b/a Brooks Fiber

ORDER APPROVING  
REQUEST OF BROOKS  
TO ADD ADDITIONAL  
PRIs FOR GWI

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Order we grant Brooks Fiber's request to provide additional capacity to GWI. On September 18, 2000, Brooks Fiber requested that the Commission grant approval for Brooks to provide additional capacity to GWI, one of the existing customers for its grandfathered regional exchange service. In our prior orders we have found that Brooks had offered the service on an unauthorized basis, but also required it to file rates, terms and conditions for the service on a grandfathered basis for those customers who were subscribers at the time of the Commission's findings and Order No. 4, issued on June 30, 2000. In Part I of that Order, or Order No. 4 (issued on May 26, 2000), we stated that:

Brooks may provide reasonable additional quantities of the service to the existing customers, but only upon approval of the Commission and only if, in doing so, Brooks does not require the use of any further NXX codes or additional blocks of 1000 numbers within the existing 54 non-Portland codes that it is presently using.

GWI presently has 56 Primary Rate ISDN (PRI) circuits. Those circuits run between Brooks's switch in Portland and GWI's facilities, also in Portland. GWI has requested Brooks to provide an additional 16 PRIs in order to satisfy increased demand. We find that the additional capacity requested is reasonable. We also find that the additional capacity will not result in need for Brooks to use additional NXX codes, or 1000-number blocks within existing codes that are outside of its Portland area exchange. Accordingly, we approve Brooks's request.

We note that Brooks states that it "has provided GWI with local service in Maine since mid-1998." While that characterization may be correct within its Portland area exchange, we have found that, in the areas outside that exchange, Brooks is providing GWI with an interexchange service.

Dated at Augusta, Maine, this 21<sup>st</sup> day of September, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.